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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 UNITED STATES OF AMERICA,

Case No.: CR 09-00717 JF

13 Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

14 v.

15 MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

16 Defendants.
17
18 _____/

19 Defendants Marco and Maria Barbosa and the government, through their respective counsel,
20 hereby stipulate that, subject to the Court's approval, the pretrial motions hearing in the above-
21 captioned matter, presently scheduled for Thursday, February 10, 2011 at 9:00 a.m., be continued to
22 Thursday, March 10, 2011, at 9:00 a.m. The continuance is requested because the defense has
23 submitted additional discovery requests to the government, and the government requires additional
24 time to respond. Accordingly, additional time is required for the defense to investigate and evaluate
25 potential motions. Additionally, counsel for the government and counsel for Mrs. Barbosa will be
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STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 09-00717 JF

1 engaged in trial in another matter beginning January 24, 2011. Accordingly, the delay is requested
 2 for continuity of counsel.

3 The parties further agree that time should be excluded under the Speedy Trial Act because the
 4 ends of justice served by granting the requested continuance outweigh the interest of the public and
 5 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense
 6 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
 7 diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this
 8 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

9 Dated: 1/20/11

/s/
 LARA S. VINNARD
 Counsel for Marco Barbosa

11 Dated: 1/20/11

/s/
 PETER LEEMING
 Counsel for Maria Barbosa

13 Dated: 1/21/11

/s/
 EUMI CHOI
 Assistant United States Attorney

15 ~~[PROPOSED]~~ ORDER

16 The parties have jointly requested a continuance of the hearing set for Thursday, February 10,
 17 2011, to allow additional time for the government to respond to additional discovery requests, and
 18 for continuity of counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the
 19 hearing date presently set for Thursday, February 10, 2011 at 9:00 a.m., be continued to Thursday,
 20 March 10, 2011, at 9:00 a.m.

21 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
 22 under the Speedy Trial Act from February 10 to March 10, 2011. The Court finds, based on the
 23 aforementioned reasons, that the ends of justice served by granting the requested continuance
 24 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
 25 requested continuance would deny the parties continuity of counsel and would deny defense counsel
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1 reasonable time necessary for effective preparation, taking into account the exercise of due diligence,
2 and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of
3 time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

4 Dated: 1/24/11


JEREMY FOGEL
United States District Judge